

MINUTES
SECOND BUDGET HEARING
VILLAGE OF KEY BISCAYNE, FLORIDA

TUESDAY, SEPTEMBER 24th, 2002

COUNCIL CHAMBER
85 WEST MCINTYRE STREET, SECOND FLOOR

1. CALL TO ORDER/ROLL CALL OF MEMBERS: The meeting was called to order by the Mayor at 7:10 p.m. Present were Councilmembers Scott Bass, Martha F. Broucek, Alan H. Fein, Mortimer Fried, James L. Peters, Vice Mayor Robert Oldakowski and Mayor Joe I. Rasco. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen J. Helfman.

2. APPROVAL OF MINUTES: Councilmember Broucek made a motion to approve the minutes of the September 10, 2002 First Budget Hearing. The motion was seconded by Vice Mayor Oldakowski and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

3. BUDGET RESOLUTION: The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; ADOPTING THE FINAL MILLAGE RATE OF THE VILLAGE OF KEY BISCAYNE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2002 THROUGH SEPTEMBER 30, 2003 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Fried made a motion to approve the resolution. The motion was seconded by Councilmember Fein.

The Attorney addressed the Council regarding the procedure for the adoption of the budgets.

The Manager addressed the Council regarding the budget.

The Mayor opened the public hearing. Annika Akerlund-Tarajano, 200 Cypress Drive; Pat Weinman, 940 Mariner Drive; Camille Guething, 260 Seaview Drive; James Taintor, 355 Harbor Drive; John Festa, 695 Harbor Lane; Dr. Henny Groschel-Becker, 290 West Mashta Drive addressed the Council. The Mayor closed the public hearing.

Councilmember Peters made a motion to table the resolution. The motion was seconded by Councilmember Broucek and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

4. BUDGET ORDINANCE: The Clerk read the following ordinance, on second reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; ADOPTING THE BUDGETS FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2002 THROUGH SEPTEMBER 30, 2003 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Bass made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Fried.

Randolph White, Director of Finance and Administrative Services, through the firm of Moyer and Associates, addressed the Council regarding the budget.

The Mayor opened the public hearing. John Festa, 695 Harbor Lane; Ed Meyer, 100 Sunrise Drive; Michael Kahn, 881 Ocean Drive; Pat Romano, 361 Beechwood, James Taintor, 355 Harbor Drive; Fire Rescue Captain Karl Simon; Dr. Kathy Schrank, Medical Director for the Fire Rescue Department addressed the Council. The Mayor closed the public hearing.

It was the consensus of Council to direct staff to place the funds received for Licences and Permits are calculated and approved for Fiscal Year 2003.

The Manager addressed the Council regarding the Goals and Objectives as it relates to the Budgets.

Councilmember Bass made a motion to reduce the Grapetree Improvement line item by \$50,000 for a total of \$200,000. The motion was seconded by Councilmember Fried and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Councilmember Fein made a motion to increase the Playing Field Improvements line item by \$50,000 for a total of \$200,000. The motion was seconded by Vice Mayor Oldakowski and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Vice Mayor Oldakowski made a motion to fund the Beach Renourishment line item with \$75,000 from the Contingency. Vice Mayor Oldakowski withdrew his motion.

Mayor Rasco made a motion to establish a Land Acquisition fund with \$200,000 from the Contingency and allocate \$62,088 from the Contingency to the Beach Renourishment line item. The motion was seconded by Councilmember Broucek and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Councilmember Fried made a motion to approve the Capital Project Fund. The motion was seconded by Councilmember Broucek and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Councilmember Bass made a motion to reduce the Legal Fees - Lawsuits line item in the Village Attorney's Budget to \$100,000. The motion was seconded by Vice Mayor

Oldakowski and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Councilmember Bass made a motion to increase the Revenue line item in the Building, Zoning and Planning Department by \$40,000. Councilmember Broucek seconded the motion. Councilmember Bass withdrew his motion.

There was extensive discussion from Council regarding the BZP Department budget.

Councilmember Fried made a motion to approve the Building, Zoning and Planning Budget. The motion was seconded by Councilmember Broucek and approved by a 5-2 voice vote. The vote was as follows: Councilmembers Broucek, Fein, Fried, Peters and Vice Mayor Oldakowski voting Yes. Councilmember Bass and Mayor Rasco voting No.

Vice Mayor Oldakowski made a motion to increase the Contractual Services line item in Administration and Finance to \$100,000. The motion was seconded by Councilmember Fein and approved by 6-0 voice vote. The vote was as follows: Councilmembers Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Bass was out of the Chamber at the time the vote was taken.

Vice Mayor Oldakowski made a motion to adopt a 1.3% COLA increase for all employees. The motion was seconded by Councilmember Broucek and approved by 5-0 voice vote. The vote was as follows: Councilmembers Broucek, Fein, Fried, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmembers Bass and Peters were out of the Chamber at the time the vote was taken.

Vice Mayor Oldakowski made a motion to increase the Fire Department's Operating Budget by \$117,000 to provide for the two vehicle lease program for the next 7 years. The motion was seconded by Councilmember Peters and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Councilmember Broucek made a motion to extend the meeting to 11:30 p.m. The motion was seconded by Vice Mayor Oldakowski and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Councilmember Broucek made a motion to extend the meeting to 11:45. The motion was seconded by Councilmember Bass and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Vice Mayor Oldakowski made a motion to remove the ordinance from the table. The motion was seconded by Councilmember Bass and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The ordinance, as amended, was adopted on second reading by a 6-1 roll call vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Peters voting No.

Councilmember Bass made a motion to lower the millage rate to 3.529. The motion was seconded by Councilmember Peters. Councilmember Bass withdrew his motion.

Councilmember Peters made a motion to extend the meeting to 11:50 p.m. The motion was seconded by Councilmember Bass and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Councilmember Broucek made a motion to extend the meeting to 12:00 midnight. The motion was seconded by Councilmember Fein and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The resolution approving the final millage rate of 3.606 was approved by a 5-2 roll call vote. The vote was as follows: Councilmembers Broucek, Fein, Fried, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Bass and Peters voting No.

5. ORDINANCES: The Clerk read the following ordinance, on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE CODE BY AMENDING CHAPTER 28 "TAXATION," AT ARTICLE II "OCCUPATIONAL LICENSE TAX," BY AMENDING SECTION 25-31 "OCCUPATIONAL LICENSE TAX SCHEDULE," TO PROVIDE FOR A 5% INCREASE IN THE OCCUPATIONAL LICENSE TAX SCHEDULE FOR ALL BUSINESSES, OCCUPATIONS OR PROFESSIONS LISTED IN THE SCHEDULE, AND TO PROVIDE FOR A REDUCTION IN THE CATCH ALL PROVISION WHICH IS APPLICABLE TO ANY BUSINESS NOT LISTED IN THE SCHEDULE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.

Vice Mayor Oldakowski made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Fein.

The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

The ordinance was adopted on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The Clerk announced the second reading of the ordinance on October 8, 2002.

6. RESOLUTIONS: The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, PROVIDING FOR TRANSFER OF APPROPRIATIONS CONCERNING 2001-2002 FISCAL YEAR BUDGET, ACCOMPLISHING

TRANSFER OF UNENCUMBERED APPROPRIATION BALANCE OR A PORTION THEREOF FROM ONE OFFICE, DEPARTMENT OR FUND TO ANOTHER OFFICE, DEPARTMENT OR FUND; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Fein made a motion to approve the resolution. The motion was seconded by Vice Mayor Oldakowski and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The Clerk read the following resolution by title:

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AMENDING THE BUILDING, ZONING, AND PLANNING FEE SCHEDULE; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Bass made a motion to approve the resolution. The motion was seconded by Councilmember Broucek and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters and Vice Mayor Oldakowski voting Yes. Mayor Rasco voting No.

At this time the Attorney addressed the Council requesting an Executive Session regarding the Coalition and a possible settlement.

7. VILLAGE CLERK: The Clerk submitted to the Council a list of candidates qualifying for the 2002 Municipal Election to be held on November 5, 2002.

8. SCHEDULE OF FUTURE MEETINGS/EVENTS: A schedule of future meetings and events was presented to the Council.

9. ADJOURNMENT: The meeting was adjourned at 12:00 midnight.

Respectfully submitted:

***Conchita H. Alvarez, CMC
Village Clerk***

Approved this 8th day of October , 2002:

***Joe I. Rasco
Mayor***

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF

***THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY
AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.***